IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7578 OF 2004

Smt. Archana A. Palande . .. Petitioner.

vs.

Estate Manager-IV,
Mumbai Hsg. & Area
Development Board & Ors. .. Respondents.

Ms. Smita Gaidhani i/by R.R. Bhonsale
for petitioner.
Mr. G.A. Lobo for respondent no.5.
Mr. A.H. Palekar, AGP., for R. Nos. 1 to 3.

CORAM : S.U. KAMDAR, J.
DATE : 20th December, 2005.

P.C.:

. Petitioner is present in Court.

2. By consent of the parties, the impugned order dated 28.7.200 passed in Appeal No. 11 of 2002 is modified. The eviction of respondent no. 4 from the said premises is confirmed. However, the eviction of the petitioner who is the wife of respondent no. 5 is quashed and set aside. The authority has already directed the regularisation of the premises in favour of respondent no. 5. The said process to continue. Regularisation can be

carried out in favour of respondent no. 5. However, it is made clear that the petitioner who is the wife of respondent no. 5 will not be evicted by the authorities since the order of eviction against her has been quashed and set aside. The learned counsel appearing for the petitioner gives an undertaking to this Court that the petitioner will remain in possession of the premises with her children and she has no objection of respondent no. 5 who is her husband occupying the premises along with their children. The undertaking accepted. In that view of the matter, the petition partly succeeds. The impugned order is modified accordingly. No order as to costs.